IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 13576 of 1993

Between:

K.Nagaraja Reddy,

S/o K.Rami Reddy,

Aged about 35 years,

C/o Dr.R.Rajasekhara Reddy,

599/2, Balaji Colony,

TIRUPATHI, Chittor District.

..... PETITIONER

AND

1. The State of Andhra Pradesh

   Represented by the Principal Secretary to Governement,

   Revenue (Endowment-III) Department,

   Secretariat Buildings, Hyderabad.

2. The Tirumala Tirupathi Devasthanams,

   tirupati, Chittor District represented by its Executive Officer,

3. The Peishker, T.T.Tirumala, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of mandamus directing the respondents to comply with the orders issued in

G.O.Ms.No.296 Revenue (Endts-III) dt:19-04-1998, G.O.Ms.No.390 Revenue (Endts.II) dated: 1-5-1991 and G.O.Ms.No.391 Revenue (Endts.II) dated: 6-5-1991 and absorb the petitioner into service in the regular establishment of T.T.D and to further extend the benefit of payment of Regular Scale of pay etc as has been done in similar cases from the date of absorption and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MEHERCHAND NOORI

Counsel for the Respondents No 2 &3: MR.A.K.JAYAPRAKASH RAO

Counsel for the respondent No.1: None appeared

The Court made the following:

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.13576 of 1993

ORAL ORDER:

This writ petition is filed seeking direction to the respondents to comply with the orders issued in G.O.Ms.No.296 Revenue (Endts.III) dated 19.04.1998, G.O.Ms.No.390 Revenue (Endts.II) dated 01.05.1991 and G.O.Ms.No.391 Revenue (Endts.II) dated 06.05.1991 and absorb the petitioner into service in the regular establishment of T.T.D and to further extend the benefit of payment of Regular Scale of pay etc. as has been done in similar cases from the date of absorption.

It is stated by the petitioner that he worked in T.T.D. Tirupati and Tirumala as a paid volunteer from 1982 to 1988. The second respondent issued circular Roc.No.B5/16293/88 dated 03.06.1988 with the intention of dispersing with the service of persons appointed on N.M.R. basis/Casual labour basis/on consolidated pay basis and to give one post each to a householder in Tirumala with the intention of changing their residence from Tirumala to Tirupathi. Aggrieved by the same, the petitioner and others who are all paid volunteers filed W.P.No.13535 of 1988 and it was disposed with the following observation:

> "The writ petition can be disposed of by observing that it is for the petitioner to file an application for appointment with necessary specifications and supporting material and that the respondent shall verify the claim of the petitioners. If they are found to be entitled for consideration they were be considered for employment in any future vacancy strictly in accordance with the rules and more particularly in accordance with the Rules made there under".

Pursuant to the above order, he made a written application to the second respondent giving all the particulars with the supporting material. The petitioner was informed by proceedings Roc.No.B7/51065 dated 22.04.1993 that he was interviewed and was not found fit to be selected and appointed to the post of Attendar on a regular service. Aggrieved by the said proceedings, he made a written representation to the Executive Officer, T.T.D. Tirupati in which he had stated that the paid volunteer Union General Secretary also filed petition in I.D.No.120 of 1988 before the Chairman, Industrial Tribunal and Labour Court, Anantapur and the said forum had in 1990 directed the T.T.D. authorities to reinstate the persons who are terminated as paid volunteers.

The Government of A.P. issued order in G.O.Ms.No.296 Revenue (Endowments) Department dated 19.04.1988 directing regularization of N.M.Rs who were in service between 01.01.1979 to 31.03.1984. Questioning the legality and validity of G.O.Ms.No.296, the A.P. Scheduled Castes Welfare Association, Hyderabad filed W.P.No.7680 of 1988 and it was disposed of.

In view of the above, the petitioner states that he is entitled to be absorbed in the service in the establishment of T.T.D.

In the counter affidavit filed by the second respondent, it is stated that circular Roc.No.B5/16293/88, dated 03.06.1988 has been prepared on the basis of the order passed by this court in W.P.No.5391 of 1988 is absolutely incorrect. It is further submitted that the claim of the petitioner was examined in terms of circular instructions dated 03.06.1988 and intimated to the petitioner as well as to other employees vide proceedings dated 22.04.1993.

It is further submitted that the petitioner was not a party to the I.D.No.120 of 1988 to take him back to duty along with other employees covered by the said award. The persons who had worked from 01.01.1979 to 31.03.1984 and continued to be on the rolls of the T.T.D. on the date of absorption i.e. 19.04.1988 are alone eligible for absorption vide G.O.Ms.No.296 dated 19.04.1988 and the petitioner had not fulfilled the requisite conditions for the above period. Therefore, he is not eligible for absorption.

It is further stated that the Government has created 1515 posts in various categories in T.T.D to absorb the persons working on NMR/Casual

Labour/Consolidated pay and daily wages etc., during the period from 01.04.1984 to 31.03.1988 in regular establishment for regularization of their services, but the petitioner has not worked during the said period continuously and not on the rolls of T.T.D. as on the date of G.O. and therefore he has no right to claim to the appointment as per the Government Orders. The learned counsel for the respondent also submits that in pursuance of the orders passed by this court in W.P.no.7680 of 1988, the petitioner's claim cannot be accepted.

Having regard to the facts and circumstances of the case discussed in the counter, I see no ground to grant relief as sought by the petitioner.

The writ petition is merit less and is dismissed. No order as to costs.

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(GHULAM MOHAMMED, J)

Dated 22nd July, 2004.

YCR/KK

To

1. The Principal Secretary to Government,
   State of Andhra Pradesh,
   Revenue (Endowment-III) Department,
   Secretariat Buildings, Hyderabad.

2. The Executive Officer,
   Tirumala Tirupathi Devasthanams,
   Tirupati, Chittor District.

3. The Peishker, T.T.Tirumala, Chittoor District.

4. 2 C.D. copies.